

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:)	CASE NO: 14-43393-399
WILLIE J SURGEON JR)	Chapter 13
)	
)	Response Due: 10/30/2014
)	
Debtor)	

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS
AND NOTICE**

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee in Bankruptcy, and for his Motion to Dismiss states as follows:

1. That the above-captioned case was filed on April 27, 2014. The debtor's plan proposes to pay the sum of \$495.00 per month.
2. Pursuant to 11 U.S.C. § 1326(a)(1) the debtor's first payment was due on May 27, 2014.
3. That the Trustee has received payments from the debtor over the last nine months as set forth in Exhibit A, attached hereto.
4. That the amount due to the Trustee to date is \$2,475.00 but the total paid into the plan to date is \$995.00.
5. That the debtor is \$1,480.00 in default through October 09, 2014.

WHEREFORE the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

NOTICE OF FILING OF MOTION TO DISMISS

Please take notice that the Chapter 13 Trustee has filed a Motion to Dismiss. Any responsive pleadings, if one is to be filed, must be filed in writing with the U.S. Bankruptcy Court, 111 S 10TH ST 4TH FL, ST LOUIS, MO 63102, and with the Chapter 13 Trustee at the address indicated below, within 21 days of the date of this notice. If no responsive pleading is filed, the motion may be granted without further notice to any party upon submission of an order from the Trustee. If a response is filed, this matter will be set for hearing upon subsequent notice.

14-43393-399

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO
MAKE PLAN PAYMENTS AND NOTICE****10/09/2014
Page 2 of 2**

The undersigned hereby certifies that a copy of the foregoing motion and notice was served upon the following either through the Court's ECF system or by regular mail this day of October 09, 2014.

Dated: October 09, 2014

MTDPYM--GV

/s/ John V. LaBarge, Jr.

John V. LaBarge, Jr.

Standing Chapter 13 Trustee

P.O. Box 430908

St. Louis, MO 63143

(314) 781-8100 Fax: (314) 781-8881

trust33@ch13stl.com

WILLIE J SURGEON JR
1432 GLENMEADE DRIVE
MARYLAND HEIGHTS, MO 63043

CASTLE LAW OFFICE OF ST LOUIS
500 N BROADWAY
STE 1400
ST LOUIS, MO 63102

EXHIBIT A**RECEIPTS FROM 01/08/2014 TO 10/09/2014**

Receipt Date	Receipt Amount	Receipt Type
06/11/2014	\$155.00	EPAY FROM DEBTOR
06/12/2014	\$200.00	MONEY ORDER FROM DEBTOR
06/16/2014	\$(155.00)	EPAY NSF
07/08/2014	\$645.00	MONEY ORDER FROM DEBTOR
07/08/2014	\$150.00	MONEY ORDER FROM DEBTOR